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DIRECTORATE OF INTELLIGENCE

27 November 1989

The German Question and Soviet Policy (U)

Summary

The changes that have occurred over the past month in the GDR and Czechoslovakia, following the transformations in Poland and Hungary, are consistent with Gorbachev's overall geostrategy and his approach to Eastern Europe, and probably would not have taken place as peacefully as they did without his own involvement--although the pace at which they happened has taken him by surprise. These changes reflect the accelerated disintegration of Communist rule in Eastern Europe. Yet they have set in train processes which--Gorbachev hopes--will improve Soviet security, alleviate external pressures on the USSR, and allow Moscow to deal more effectively with its internal crisis.

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The new situation poses with fresh intensity the problem of two Germanys. There are signs of disagreement within the Soviet policy advisory community over how to deal with the German Question, and Gorbachev himself has said different things about the issue at different times. His preference is almost certainly to maintain a separate GDR, to dampen talk about

This preliminary analysis of the evolving Soviet position toward Germany was prepared specifically for the Mediterranean meeting by [redacted] Office of Soviet Analysis. Comments and queries are welcome and may be directed to the Director of Soviet Analysis [redacted]

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reunification, and to slow down any movement toward formal interconnectiveness of the two Germanys--while stabilizing the GDR by means of expanded West German economic assistance. However, he realizes that pressures in the GDR for greater unity with the FRG could well increase dramatically as Communist influence further erodes. He is therefore probably repared to accept a limited confederal relationship between East and West Germany as a means of halting a slide of the GDR into the Western camp and preserving Soviet leverage over Germany and European security relationships. He would only consider reunification in the near-to-mid-term--before an appropriate security environment existed--if it looked as if this was going to occur anyway, or if he felt that the urgency of the crisis in the USSR demanded so radical a move. [REDACTED]

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At Malta, Gorbachev will seek to avoid any impression that the upheaval in the GDR has placed him on the defensive. He will want to come out of the meeting looking like a statesman who has advanced Soviet and global security interests and induced the President to exercise "restraint"--especially on the West Germans. He is most likely to say the sorts of things about the German Question he has been saying to other interlocutors over the past month, emphasizing stability and the need to deal with the issue only within the broader framework of continuing relaxation of East-West tensions, force reductions, the gradual dissolution of NATO and the Warsaw Pact, and East-West economic integration. For a number of reasons important to him, he is unlikely to be candid about his assessment of what the trends are likely to be in intra-German relations and how far the USSR would go toward accepting structural rapprochement. While he is unlikely to spring any surprises directly related to reunification, there is a much greater chance that he will put forward proposals associated with changes in those aspects of the European security environment noted just above that he implicitly holds out as conditions for eventually overcoming the barriers between the two Germanys. [REDACTED]

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There is no problem to which Soviet diplomacy has addressed more thought since 1917 than that of how to influence events in Germany. Recent developments have radically changed the contours of the German issue but not its bearing on central Soviet domestic, security, and foreign policy concerns. [REDACTED]

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Before Gorbachev came to power, Soviet policy toward Germany sought to:

--Assert the USSR's great power status and guard against a renewed threat from a reunified Germany by maintaining a Communist-controlled separate German state.

--Assure Moscow's security interests and guarantee Socialist Unity Party (SED) rule through the presence of

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large Soviet forces in the German Democratic Republic (GDR) and participation of the GDR in the Warsaw Pact.

Because Gorbachev has assigned top priority to cutting military spending and reducing the burden of empire in order to effect perestroika at home, because of his perception of the gains to be realized from an intelligent conduct of foreign and security policy (New Thinking), because of his deliberate fostering of (hopefully) controlled change in Eastern Europe, and--obviously--because of the revolutionary upheaval in the GDR--these old approaches no longer fit the existing German realities. [REDACTED]

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For several years Gorbachev has been moving to implement a broad new security strategy toward Europe less geared to the application of physical force and more reliant on the orchestration of political interests. At the international level, this shift has manifested itself in the downplaying of military power and the push for force reduction, with a willingness to pay a high price in military coin to achieve desired political effects. Within the Bloc, Gorbachev has sought to replace an unstable equilibrium based on party monopoly and police coercion with a (hopefully) more stable equilibrium based on popular consent. The price Gorbachev has been willing to pay here is also high: when pushed, he has revealed a willingness to accept political competition, multipartyism, and power sharing or even the formation of non-Communist governments, while attempting to retain Communist control in the security area and continued membership of East European states in the Warsaw Pact. [REDACTED]

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In the meantime, Moscow has less leverage in dealing with Germany. The Soviet Union has, at least in the short-to-medium term, moved from being the Eastern hegemon to a power beset by internal crises¹ and imperial decay. Where, before, its power position in the GDR gave it enhanced influence over a Bonn that saw the route to expanded intra-German ties leading through Moscow, now GDR openness to the FRG and the East German and Soviet need for a West German economic transfusion have shifted this balance of advantage. [REDACTED]

The more sophisticated foreign policy pursued by Gorbachev, the domestic crises in the USSR and disintegration of Communist regimes in Eastern Europe, and the accelerating pace of events in GDR-FRG relations are forcing Moscow to review its entire approach to the relationship between the two Germanys--the "German Question." Gorbachev's emerging posture seems to be one

¹ See DI Intelligence Assessment, [REDACTED] September 1989, Gorbachev's Domestic Gambles and Instability in the USSR [REDACTED]

of trying to deflect newly energized trends toward reunification while attempting to use the processes he himself has set in train to promote Soviet long-term security and political interests. [REDACTED]

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Signs of Ferment in German Policy

Until recently, at least, outside analysts and knowledgeable Soviet observers alike agreed that Moscow neither wanted a unified Germany nor anticipated reunification in the foreseeable future.² Public or private hints by Soviet officials of flexibility on reunification were interpreted by the Intelligence Community--probably correctly--as tactical ploys intended to exploit West German desires for unity. Now, however, interpreting the evidence is trickier. [REDACTED]

For the past year, there have been signs of uncertainty and discordant opinions voiced about the German Question within the Soviet policy community. In early 1988 Gorbachev assembled a "kitchen cabinet" of advisers to examine this issue, [REDACTED]

[REDACTED] in late 1988 [REDACTED] Soviet leaders were exploring open mindedly the possibility that the USSR would be unable to avoid the reunification of Germany. [REDACTED]

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The expression of differing views about reunification does not necessarily mean that policy has changed, or that it will change, or that people believe it must change quickly; and the purpose behind some expressions of opinion may be less to stake out a position in principle than to pursue other objectives such as reducing Gorbachev's political vulnerability (Shakhnazarov), influencing Germans (Falin), or manipulating antireunification sentiment (Yakovlev³). Nevertheless, an element of policy debate is certainly present. Basically, those favorably inclined toward closer association of the two Germanys argue that the division of Germany works against the long-term security and economic interests of the USSR by perpetuating NATO and an unbearable defense burden. Those who oppose talk of reunification argue that the Western military threat still remains, that there is not much support for reunification in either half of Germany anyway, and that even raising the issue is destabilizing. [REDACTED]

Ambiguity in Gorbachev's Position

Following Chancellor Kohl's 1987 electoral victory, which Moscow hoped would not occur, Soviet interest in cultivating the CDU/FDP government rose appreciably. [REDACTED]

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[REDACTED] three motives have strongly influenced Gorbachev's approach to West Germany. First, Gorbachev has seen West German public opinion and Genscher's perspective as a strategic lever for advancing the Soviet arms control agenda in Europe. Second, Gorbachev has sought, through patient cultivation of West German sensibilities, to promote the goals of reducing US influence in Europe, weakening NATO, and stimulating a more Eastward tilt by the FRG--although he publicly and privately characterizes the objective of driving the United States out of the continent as being unrealistic and counterproductive. Third, and highly important in his view, has been the attempt to harness West German economic might to Soviet and East European needs. In this context he has increasingly

³ Central Committee Secretary and key Gorbachev foreign policy adviser Aleksandr Yakovlev declared on 14 November [REDACTED] that "Reunification of Germany is a matter that should be decided among Germans" and that "Divided nations are heading for peaceful unification." In the past, Yakovlev has [REDACTED] strongly supported retaining a divided Germany. While it is possible that his thinking has evolved, Yakovlev also stated that he thought the United States, Britain, and France did not want reunification of Germany and hoped the Soviet Union would prevent such a development--that is to say, were placing this monkey on the back of the USSR. [REDACTED]

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emphasized the desirability of deeply engaging West Germany as a means of preventing a unified European Economic Community (EC) from narrowing East Bloc access to the European market after 1992. [REDACTED]

On the question of reunification, Gorbachev has said various things to various audiences since 1987:

--The division of Germany is permanent. [REDACTED]

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--Calculated ambiguity that leaves open the possibility of reunification sometime in the remote future but focuses on the existing territorial, juridical, and political "realities," emphasizes the present need for "stability," and sets as a precondition the achievement of a new security environment (e.g., arms reductions and liquidation of NATO and the Warsaw Pact) and construction of the "European House." Most of Gorbachev's statements on reunification, including a pronouncement on 15 November, fall under this heading.

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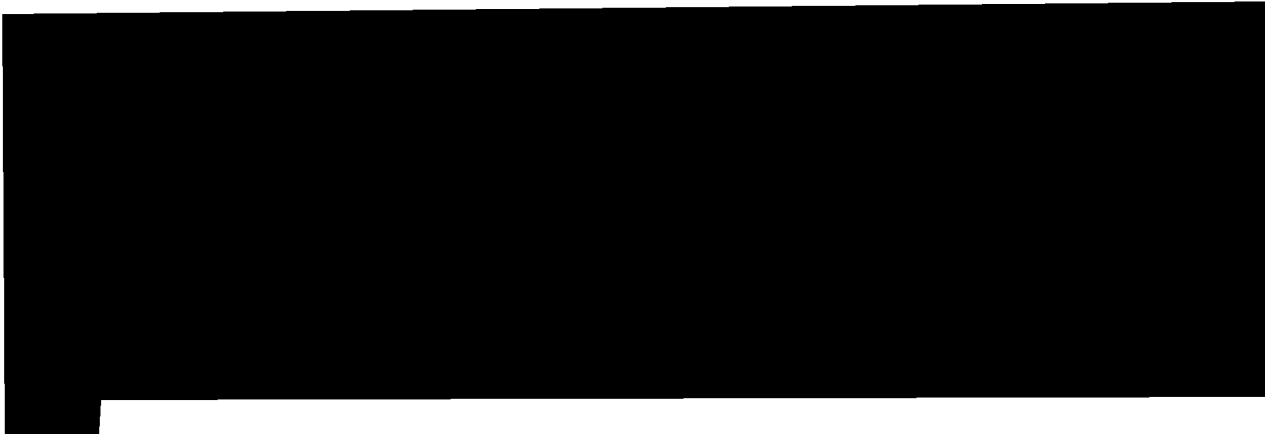
--Reunification is up to the two countries themselves to decide. [REDACTED]

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Deciphering Gorbachev's "real" position with certainty is impossible, and interpreting what he means is further clouded by questions of motive and audience.⁴ What is striking is the near total absence of ideological language or rationales in any of the positions he has taken and the pervasiveness of pragmatic argumentation. [REDACTED]

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There is also the vexing question of "What could Gorbachev have been thinking?" How--so the argument goes--could a smart person like Gorbachev have been preaching in Eastern Europe the New Thinking principles of "freedom of choice," "self-determination," and "nonintervention" under "any pretext," and accepting free elections in Poland and Hungary, without seeing that this would ultimately foster pressures toward the reunification of Germany? [REDACTED]

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There are some answers to this question: (1) He calculated for Eastern Europe as a whole and neglected to consider the unique features of the GDR; (2) he figured that the SED would remain strong enough to block moves toward reunification (there have been several [REDACTED] complaints by Polish and Hungarian Communist leaders that he has overestimated the staying power of their parties under conditions of open political competition); (3) he felt that the USSR could exert pressure in the crunch; (4) he did not expect public opinion in either Germany ultimately to support reunification; (5) he badly miscalculated how fast political change would occur in the GDR and the rest of Eastern Europe once the reform process began; or (6) he saw the danger but was willing to countenance greater freedom in the GDR and closer links between the FRG and GDR, in the hope that this would lead to an infusion of West German economic assistance that would strengthen the USSR as well as the GDR and make it easier in the long run to resist any incipient drive for reunification. In other words, he bet on short-term aid to be able to handle better the long-term political threat, but in fact was confronted with the long-term danger first while Kohl moved to make the "short-term" benefit contingent in effect on structural change in the GDR that intensifies the long-term danger. But these answers still leave a tantalizing residue of doubt. [REDACTED]

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The New Situation

Gorbachev's strategy for Germany will be determined as much by the new circumstances that confront him as by pre-1989 policy vectors. But here, developments over the summer and fall in Eastern Europe create short-term imperatives that may be at odds with long-term policy considerations. [REDACTED]

Short-Term Factors. At a price that would have been high but bearable, Gorbachev might have been able to close off the East German refugee problem before it spun out of control. Instead, he pressured Berlin to give in while moving rapidly to help engineer the destruction of the Honecker regime. On top of his acceptance of a Solidarity-led government in Poland, and of multiparty competition in Hungary, this episode surely must be seen by many in the Soviet elite as still another sacrifice of "socialist gains" that has gravely damaged Soviet security--not a triumph of "stormy" East European perestroika. "Who lost Germany?" (and Poland, Hungary, and soon--perhaps--most of the rest of Eastern Europe) is, in short, probably a charge that now hangs over Gorbachev in the Kremlin, [REDACTED]

In Eastern Europe, the political transition that is under way in Poland, Hungary, and Czechoslovakia, and is probably beginning in Bulgaria--a process that Gorbachev desperately needs to succeed, and succeed without a breach in security links to the USSR--will be highly delicate over the next year. Serious economic problems multiply the chances of instability and impose the necessity of expanded East European economic ties with Western Europe. Meanwhile, Moscow's weakened traditional means of leverage over the region have not been replaced by patterns of stable long-term influence:

- There is no prospect of joint Warsaw Pact armed intervention to save Communism anywhere, and there is heavy discounting throughout Eastern Europe of Soviet unilateral intervention under most conceivable circumstances.
- The "bargain" in which a more or less free political process leading to the formation of non-Communist governments has been accepted by Moscow in return for Communist control of security and defense portfolios is a deal of questionable sustainability and one that, in any event, further depreciates the already low possibilities of direct Soviet leverage.
- Moscow's scope for using economic influence to control the pace and direction of change is weak, and attempts to do

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so would work against its own domestic imperatives. [REDACTED]

In the GDR, the collapse of the Honecker regime and the concessions that Krenz has been compelled to make have initiated a critical political struggle to determine the midterm fate of the SED and the balance of power that will be struck in controlling the GDR. Krenz is not volunteering to commit political suicide, and the Soviets are angling to get the most favorable outcome possible from a situation that currently holds at least some promise for them. [REDACTED]

what Gorbachev fears most is a spark that could ignite spontaneous mass anti-Soviet violence that would sweep away Moscow's remaining political assets and challenge the presence of Soviet military forces in the GDR. Gorbachev also needs to avoid developments that would undercut the legitimacy of the Soviet military presence on GDR soil or weaken Soviet legal rights arising out of the postwar situation and the 1971 Quadripartite Agreement on Berlin (see appendixes A and B). [REDACTED]

In Western Europe, the short-term need is to dampen talk and pressures for reunification, and especially to halt any momentum in this direction in the FRG. This imperative means encouraging the perception that too high demands will provoke instability in Eastern Europe and the GDR, possibly triggering the downfall of Gorbachev and of perestroika in the USSR. It also means cultivating [REDACTED] any other resistance to German reunification. [REDACTED]

Longer Term Factors. Within the USSR the need to deal with the East European/German problem overlays a domestic economic, political, social, and ethnic crisis that demands a full concentration of Soviet effort:

--Gorbachev cannot spare resources to bail out a floundering Eastern Europe. He needs--and is seeking--further cuts in Soviet forces in Eastern Europe to reduce military resource commitments.

--He also needs economic "cooperation" with Eastern Europe to which the regimes there are loath to agree. (It would seem that during Krenz's appointment trip to Moscow, Gorbachev may have extracted consent to extend cooperation that Honecker had resisted.) [REDACTED]

In Eastern Europe overall, given present trends, the Soviets must foresee non-Communist or shared-power rule over most of the region within the next several years. Long-term internal stability in East European countries will depend, in the first instance, upon improved economic performance, which in turn will

require debt relief, marketization and a major infusion of Western capital and managerial skills. Germany will play a key role here. The Soviets hope to benefit directly and indirectly from West German aid, while exploiting the FRG's involvement in the East to prevent closure of the EC as a market to Eastern goods and actually to foster EC-wide interest in expanding ties with the East. It is in the Soviet interest for German economic penetration of the region to be balanced with other Western ties and, where possible, to flow through multilateral channels that weaken German political leverage and enhance that of the USSR.

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Given Soviet threats and, in some cases at least, a perception of their own national interest, East European states will probably not hasten to renounce membership in the Warsaw Pact. But they are likely to:

- Cut their own military budgets drastically.
 - Redefine strategic "threats" and force requirements in terms of their own national security interests.
 - Question Soviet domination of Warsaw Pact command and control arrangements.
 - Call for reductions in and limitations on remaining Soviet stationed forces.
 - Pose an extreme question to Moscow of force reliability in terms of most East-West conflicts that one could anticipate.
- [REDACTED]

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Maintenance of a viable Warsaw Pact will depend increasingly on its real-life relevance to non-Soviet member states and less on Soviet intimidation. An important East-West dimension will remain, based on Polish and perhaps Czech fear of Germany--which Gorbachev has assiduously cultivated. But longer term Soviet hopes will probably ride equally on constituting a mechanism to deal with resurgent nationalist tensions within Eastern Europe.

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In the GDR over the longer term, Gorbachev must calculate--provided there are free elections--that loss of SED hegemony is simply a matter of time. The residual SED role and posture of the emergent succession regime toward structural integration with the FRG, however, must be seen by Moscow as still highly uncertain and subject to Soviet influence. In the meantime, paradoxically, the GDR will require expanded West German economic involvement to avert further destabilization and restructure its economy. A major increase in commercial, political, and social interaction

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between the two Germanys, and an increase in West German influence in the GDR, are inevitable and, in some respects, desirable from the Soviet standpoint. How all of this will play out in terms of the structure of political institutional relations between the FRG and the GDR is now up for grabs: toward increasing structural integration, up to reunification? Or toward a minimal increase in formal ties? From the vantage point of Moscow there are considerations here that point toward both poles of this analytic spectrum. [REDACTED]

The Arguments for Minimal Structural Integration. In the near-to-middle term, the Soviets are not likely to be faced with any clear-cut choice of accepting or rejecting structural integration between the two Germanys; yet steps they take now, in attempting to manage the German problem on a current basis, will undoubtedly affect their longer term posture. And so they must consider where their long-term interest lies. [REDACTED]

Irrespective of the will of any non-Communist GDR government, the Soviets are strongly positioned to block formal unification of the GDR and the FRG: they have powerful military forces in place; legal rights (see appendixes); and surely a congruence of perspective on this issue [REDACTED]

[REDACTED] They will not willingly accept any outcome they believe amounts to de facto East German accession to NATO. Thus, at the extreme, the choice from their standpoint turns on whether or not it would be desirable to have a united Germany that is neutral and demilitarized. [REDACTED]

The arguments Gorbachev has probably heard against a united Germany are strong:

- A united Germany with a population of 77 million would represent a new pole of economic, political, and--potentially--military might of global significance, and subtraction of the GDR would represent a big loss to the socialist camp.
- Change in one of the post-World War II borders theoretically could raise questions about the continued legitimacy of other postwar borders--including the western border of the USSR.
- A unified Germany would have enormous attractive influence throughout Eastern, Central, and Northern Europe, establishing de facto regional economic-political hegemony at the expense of the USSR.

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--How its continued demilitarization (and denuclearization) could be "guaranteed" would represent a major problem.

--Its "neutrality," under crisis conditions, would be even more highly suspect than that of other European neutrals.

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--Its neutralization would also destroy NATO as a negotiating partner and perhaps excessively marginalize the US capability to serve as a stabilizer in the West's relations with the East.

--Even if its terms of neutralization did include withdrawal from the European Community, its economic power would, on balance, weigh in with the West. Thus, the Soviet Union would lose leverage and could potentially confront a still larger dilemma economically in dealing with a post-1992 Europe. [REDACTED]

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The Argument for Accepting Structural Integration. There are two types of reasons the Soviets might decide to opt for acceptance of structural integration: pragmatic and strategic. The pragmatic argument assumes that the situation itself is likely to impose some type of institutionalized unification, with possibly some good as well as ill resulting. The task from the pragmatic perspective is to "get ahead" of moving events, cut one's losses, or even turn defeat into victory. [REDACTED]

The strategic argument links how the Soviet Union handles the German Question to Gorbachev's broad overall "political" approach to East-West relations. It is geared to an explicit articulation of "national security interests" that discounts short-term gain and power politics in the here-and-now. [REDACTED]

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Gorbachev's Options. From Gorbachev's standpoint, we can posit three theoretically conceivable positions he might start from or arrive at in considering where he hoped to move (or leave) the German question:

- The Status Quo: The least increase in institutionalized interconnectedness that is realistically possible, with this restricted essentially to the economic sphere.
- Controlled Confederation: Significant institution-alization, ranging from what Central Committee adviser Nikolay Portugalov publicly described in mid-November 1989 as a "special relationship [between] two states that belong to different social systems" in which there are "potential federative structures in areas such as the economy, ecology, culture, and many other things," to a more full-blown confederation.
- Reunification: Presumably with provisions for a federation that recognized in some way the unique identify of each partner.

Gorbachev at Malta

His Personal Stakes. In Gorbachev's own eyes, he comes to discussions about Germany with the President not as a "loser" in the struggle between Capitalism and Communism, but as a leader who has been running high political risks to actively destroy the entrenched obstacles--including conservative Communist parties--that stand in the way of peaceful political adaptation and economic improvement in the East. And there is a lot of truth in this self-perception. As a part of his broad strategy, Gorbachev has prodded the East European regimes to reform themselves and has taken critical decisions all year long that made possible or expedited formation of a Solidarity-led government in Poland, the emergence of multiparty competition in Hungary, the leadership succession in the GDR, and now the collapse of the conservative leadership in Czechoslovakia. He has assumed responsibility for what he laconically calls the "drama" of mass demonstrations and has run the risk of tolerating non-Communist rule. [REDACTED]

From a personal standpoint, it is important to Gorbachev that he:

- Comes out of the meeting with his image burnished as a master statesman who has advanced Soviet and global security, not as a revisionist who "lost" Germany.

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--Can be portrayed to Moscow and Bloc audiences as having influenced the President to exercise "restraint"-- especially on the West Germans.

Gorbachev is making the claim now that the changes under way in Europe, including the events in East Germany and the opening of the Berlin Wall, reflect the "end of the Cold War" and a historic transformation of East-West politics. Naturally, he is aware of the President's words on this score and would like the Malta meeting to validate such a claim, either verbally or symbolically. [REDACTED]

In dealing with the President, Gorbachev will seek, in the first instance, to discover what the US position really is on the German question. Does the United States, in fact, actually have a reasoned position? (There is considerable evidence of lack of understanding among the Soviets on this score.) He will also be interested in obtaining a sense of how the President feels about the Germans and reunification. At the same time, he will probably attempt to communicate the message--perhaps through stressing the common interests of both the President and himself in assuring stability in Eastern Europe--that his own position and perestroika in the USSR are at risk if the German problem goes awry, even while conveying the impression that he is fully in charge, is confident in the future, and knows where he is going. [REDACTED]

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Keeping His Own Counsel. It is possible that Gorbachev may be candid in discussing the German Question, but there are good reasons why what he says will probably not reflect exactly what he thinks. The key ones are these:

--Unless his assessment of the situation in the GDR now is that the chance of movement toward structural rapprochement on the part of a post-election GDR is negligible (i.e., unless he assumes either that the SED will be able to control things somehow or that the population will opt for "socialism"--both risky propositions indeed) he has to have begun considering Soviet options in the event that momentum does develop later in the GDR toward closer structural relations with the FRG.

--If he is even considering Controlled Confederation, much less Reunification, he must set the time horizon for this in the remote future to guard his flanks, whatever time framework he privately thinks is likely or acceptable.

--His assessment of the overall dynamics of the German question depends also on how the Western powers will constrain or fail to retard movement toward reunification--principally by influencing the political process in the FRG. Obviously, the requirements of candor and of influencing the number-one actor in this regard, the US President, are likely to diverge.

--Regardless of what he thinks, he needs to maintain consistency with his present declarative posture that insists on dealing first with the "realities" of two German states, existing borders, two military-political alliances, and treaty rights, in order not to whet the West German appetite for change, totally demoralize the SED, and trigger a bandwagon psychology toward reunification.

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In short, unless his behavior demonstrably proves otherwise, Gorbachev's presentation on Germany is likely to be more a performance than a transparent representation of firmly held views and intentions. [REDACTED]

Substantive Aspects. The chances are that in discussing the German Question Gorbachev will take as his starting point the line we have seen him expressing recently in public and private pronouncements on the subject. He will probably develop the notion that this question needs to be set within the context of overall relaxation of East-West tensions, assurance of increased security at radically reduced military force levels, the gradual dissolution of military alliances, and development of a dense web of East-West economic ties. In this context of implicit preconditions for movement on the German Question, he could easily display his pro-active penchant. For example, he could link movement on the German problem with completion of the CFE negotiations and establishment of a framework of objectives for CFE II talks. He might present prospective large cuts in Soviet forces stationed in East Germany, which Moscow is projecting in anticipation of agreement in Vienna, as a contribution to eventual settlement of the German Question that the United States should emulate. Or, he might suggest that the German issue be somehow placed on the agenda of the Helsinki-II conference he has alluded to on several occasions recently. [REDACTED]

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From the standpoint of short-term considerations, Gorbachev will certainly seek to:

--Enhance the US perception that he believes there is a risk of dangerous instability in the GDR and Eastern Europe, and that explosions there would be profoundly detrimental to US and Western interests.

--Gain US assistance in reining in the FRG: to soft-pedal talk there about reunification, not exploit Soviet discomfiture in the GDR, prevent the FRG (and the GDR) from dominating the elaboration of Western positions on German issues, and foster multilateralism in the transfer of economic assistance to the GDR and the rest of Eastern Europe.

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--Impress on the President that Moscow takes seriously its legal rights in Germany and Berlin acquired through post-World War II undertakings and the 1971 Quadripartite Agreement. [REDACTED]

The preferred solution to the German Question for many Soviet foreign policy practitioners (for the time being, at least) is probably the Status Quo option--which, if one sets aside Gorbachev's "time will tell how things come out" caveat, corresponds fairly closely to the admonitory element in his references to the subject. But even if he himself preferred this position in the best of all possible worlds, he would have good reason to think it is unstable, and could well calculate that it has already been outstripped by events:

--Whatever happens now, there will be strong ties between the FRG and the GDR which, even if not formally codified, could be viewed as shifting the GDR toward the Western camp.

--Given the likelihood of free elections in the GDR, the probably ensuing massive electoral rejection of the SED combined with economic failure could lead to an unstoppable political movement in the GDR toward structural integration with the FRG. [REDACTED]

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Gorbachev surely wants at least to postpone both of these developments. But it is likely that he has thought ahead to the "what if...?" and the possible costs and benefits of accepting some form of Controlled Confederation. A halfway solution could, in the longer term, pave the way for full reunification. But in the meantime it might:

--Stop an uncontrolled drift of the GDR into FRG orbit.

--Position the Soviet Union, perhaps through a peace treaty, as a guarantor of arrangements in Germany.

--Create a situation in which the USSR could attempt to impose acceptance of security guarantees it favors.

--Encourage strains in the EC that could favor the Soviet Union and the East European countries.

The operational key here would be acceptance of some initiative formalizing--but, to some extent, institutionally freezing--FRG/GDR relations. Such a solution, along the lines suggested by Portugalov, would be in keeping with the more encouraging, future-oriented part of Gorbachev's standard response to the reunification question. It would also be compatible with the arguments put forward by Dashichev--which probably do appeal intellectually to Gorbachev. [REDACTED]

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Reunification, is highly unlikely to be on Gorbachev's hidden agenda for intensive discussion at Malta--despite signs that he has given it some thought, despite some of his own words, and despite his attraction to the bold breakthrough in international relations. There are two conditions, however, that might conceivably prompt Gorbachev to throw the dice on German reunification: (1) judgment that events were moving ineluctably in this direction anyway, impelling Moscow to get on board, gain Germany's long-term gratitude, and seek to shape the conditions under which it was going to occur; or (2) a decision that the economic crisis in the USSR demanded crash dismantlement of Soviet forces abroad and payment of the maximum political price to Bonn for maximum West German economic assistance. Neither contingency now seems at hand. [REDACTED]

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If Gorbachev's thoughts on the two Germanys turn out not to be transparent, his words may still supply some clues as to where he thinks things are going. Were Gorbachev leaning sharply toward maintenance of the Status Quo, one might expect to hear "Grande Entente" arguments intended to reinforce Western fears of the security threat posed by a reunited Germany, fears of the economic challenge it would present, and fears that reunification would obstruct progress toward East-West accord, arms reduction, and perestroyka in the USSR and Eastern Europe. If, on the contrary, Gorbachev were now dead set against Controlled Confederation, one might expect to hear less of the "fear" arguments and more evocations of the benefits of growing European integration and the breakdown of East-West barriers. Finally, if Gorbachev were indeed actually considering Reunification, one would expect the same noises as in the confederal case, but supplemented with more serious probing of the security dilemmas and geopolitical-economic challenges that would arise with this outcome. [REDACTED]

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Conclusion

Major dangers confront Gorbachev in Germany. Anti-Soviet violence could occur that might force him to intervene

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militarily--if only locally and for the protection of Soviet lines. Momentum could build for reunification and outpace security negotiations. Loss of power by the SED could be used against Gorbachev in his own Politburo. Yet Gorbachev has reason to be pleased with the tumultuous course of events so far. [REDACTED]

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The changes in East Germany and elsewhere in Eastern Europe have probably, from his standpoint, crystalized at last a decisive turn in US defense policy toward major force reduction in Europe that will permit him convincingly to argue at home that his risky security strategy has paid off. These changes have also killed nuclear modernization in Germany. They are prompting large-scale Western participation in bailing out the stagnant East European economies and averting instability from which Moscow would probably suffer, while opening up conduits of economic assistance to the USSR and probably loosening up the EC in post-1992. They have confirmed once and for all--Gorbachev probably believes--the correctness of Genscher's ostpolitik in the eyes of the West German electorate, [REDACTED]

[REDACTED] Within the Eastern Bloc the upheavals that have already occurred, and those in prospect, are locking in "irreversible" destruction of the old partocracies--probably a major reason why Gorbachev has displayed such equanimity over recent developments. [REDACTED]

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Looking forward, Gorbachev's approach to the German question will not be simply passive, reactive, or defensive. His likely strategy will be to support the existence of a separate East German entity that, whatever enhanced linkages it has to the FRG, has not been absorbed by the latter--and then to use this new situation to exert continued leverage in the pursuit of his preexisting security and geostrategic aims in Europe. As long as Gorbachev continues to place himself on the side of reform in Eastern Europe and pushes arms control, West Germany will see increasing benefits in working cooperatively with the USSR. [REDACTED]

The preconditions that Gorbachev has been floating for Soviet consent to structural change in relations between the two Germanys suggest great continuity with the main goals that underpinned Soviet policy toward Germany before the crisis in the GDR, and indeed before Gorbachev took office in 1985. Reduction of East-West "tensions," demilitarization of Europe, the dissolution of alliances, and achievement of pan-European "integration"--do address Soviet security interests. But, at the same time, their realization would promote the enduring Soviet objectives of sharply reducing the US military presence and political influence in Europe, destroying NATO, eliminating

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COCOM, and tilting West Germany's economic and political orientation more toward the East. Yet, in gaining this positioning, Gorbachev has abandoned Communist hegemony in East Germany, accepted large reductions and possibly eventual removal altogether of Soviet forces in Germany and elsewhere outside the USSR (thereby abandoning a military posture that could be used to intimidate Western Europe or, some would argue, to conquer it), and acceded where necessary to non-Communist rule in Eastern Europe--a vast change from the point at which he began in 1985.

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Appendix A

Major Accords Governing the Status of Berlin

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Allied rights in Berlin are original rights, deriving from the defeat of the German armed forces, the unconditional surrender of Germany, and the joint assumption by the Four Powers of supreme authority on 5 June 1945. These rights can be modified only through unanimous Four-Power agreement. They do not derive from the following Four-Power wartime or postwar agreements, which do, however, provide the framework in which the Allies exercise their rights.

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In the *London Protocols* of 1944 (12 September and 14 November), the United States, the United Kingdom, and the USSR divided Germany into three zones and a special Berlin area for the purposes of occupation, irrespective of the areas actually conquered or overrun by the forces of each power. (In delineating these areas, the Allies used Germany's 1937 boundaries and regarded its absorption of territory after that date as null and void). Each ally was allocated one zone; the special Berlin area was not part of any zone and was to be occupied and administered jointly through an Allied Kommandatura, or inter-Allied governing authority. On 26 July 1945, the *London Protocols* were amended to add France as an occupying power and to create a fourth sector for Paris in both Germany and Berlin. Although the *London Protocols* contained no provision for providing Western access to Berlin, they are the foundation of the present Four Power-mandated status of the city.

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Excerpts from the 12 September 1944 Protocol:

1. Germany, within her frontiers as they were on the 31st December, 1937, will, for the purposes of occupation, be divided into four zones, one of which will be allotted to each of the four Powers, and a special Berlin area, which will be under joint occupation by the four Powers.

5. An Inter-allied Governing Authority (Kommandatura) consisting of four Commandants, appointed by their respective Commanders in

Chief, will be established to direct jointly the administration of the "Greater Berlin" Area.

Excerpts from the 14 September 1944 Protocol:

Article 1. Supreme authority in Germany will be exercised, on instructions from their respective Governments, by the Commanders-in-Chief of the armed forces of the United Kingdom, the United States of America, the French Republic and the Union of Soviet Socialist Republics, each in his own zone of occupation, and also jointly, in matters affecting Germany as a whole, in their capacity as members of the supreme organ of control constituted under the present Agreement.

Article 3. The four Commanders-in-Chief, acting together as a body, will constitute a supreme organ of control called the Control Council.

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In the *Declaration of Berlin* of 5 June 1945, the Four Powers (the United Kingdom, the United States, the USSR, and the Provisional Government of the French Republic) jointly assumed supreme authority in Germany. In the Declaration, the Four Powers made a sweeping assumption of power beyond the authority that had been theirs as the belligerent occupants of Germany before that date. Before the Declaration, for example, Allied authority had been subject to limitations deriving from German law. The Western Allies have not relinquished any of their supreme authority in Berlin since the publication of the Declaration, although normally they exercise their rights only in matters affecting the status and security of the city.

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Excerpt from the 5 June 1945 Declaration:

The Governments of the United Kingdom, the United States of America and the Union of Soviet Socialist Republics, and the Provisional

From DI Research Aid, [REDACTED]
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Government of the French Republic, hereby assume supreme authority with respect to Germany, including all the powers possessed by the German Government, the High Command and any state, municipal, or local government or authority. The assumption, for the purposes stated above, of the said authority and powers does not effect the annexation of Germany. [REDACTED]

The Potsdam Agreement of 2 August 1945 was designed to resolve the German Question, and treated the country as a single economic unit. Although the Agreement did not specifically deal with Berlin, Moscow has argued that the Western Allies' rights in Berlin were forfeited because of their "failure" to implement the Potsdam Agreement. The Soviets contend that the creation of the Federal Republic was an abandonment of the Potsdam Agreement's principles and assert that it destroyed the basis of Four-Power decisionmaking on Germany and Berlin, thereby voiding the wartime and postwar agreements. These Soviet allegations have no legal basis; none of the Four Powers can be deprived of its rights and responsibilities except by agreement with the other three powers. [REDACTED]

Excerpts from the Protocol of the Proceedings of the Berlin (Potsdam) Conference, 2 August 1945:

2. So far as is practicable, there shall be uniformity of treatment of the German population throughout Germany.

14. During the period of occupation Germany shall be treated as a single economic unit. [REDACTED]

The Allied Control Council Decision of 30 November 1945 approved the establishment of three air corridors from Berlin to the Western-occupied zones in Germany. [REDACTED]

Excerpt from the 30 November 1945 Control Council Decision:

110. Proposed Air Routes for Inter-Zonal Flights: Marshal Zhukov recalled that the Coordinating Committee had approved the establishing of three air corridors, namely, Berlin-Hamburg, Berlin-Bueckeburg and Berlin-Frankfurt am Main.

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(110)(a) [The Meeting] approved the establishment of three air corridors from Berlin to the Western zones as defined in CONL/P(45)63. [REDACTED]

On 22 October 1946, the Allied Control Authority Air Directorate adopted a set of detailed "Flight Rules" that also defined the three air corridors, the Berlin Control Zone, and the functions of the Berlin Air Safety Center. These rules remain valid today and they are the only Four-Power ruling governing aviation to, from, and around Berlin. [REDACTED]

Excerpts from the 22 October 1946 Air Directorate Regulations:

2. Air Corridors in Germany. The following air corridors have been established: Frankfurt-Berlin, Bueckeburg-Berlin, Hamburg-Berlin. Each of the above corridors is 20 English miles (32 kilometers) wide, i.e. 10 miles (16 kilometers) each side of the center line.

3a. The Berlin Control Zone is defined as the air space between ground level and 10,000 feet (3,000 meters) within a radius of 20 miles (32 kilometers) from the Allied Control Authority Building in which is established the Berlin Air Safety Center (BASC).

4. The Berlin Air Safety Center has been established in the Allied Control Authority Building with the object of ensuring safety of flight for all aircraft in the Berlin area. The safety Center regulates all flying in the Berlin Control Zone and also in the corridors extending from Berlin to the boundaries of adjacent control zones. [REDACTED]

The withdrawal of the Soviets from the quadripartite administration of Berlin in 1948 led to a number of tripartite agreements, including declarations of an Allied security guarantee for Berlin. In a *Communique* of 19 September 1950 and in the *London Three-Power Declaration* of 3 October 1954, the Western Allies reaffirmed that they would treat an attack against Berlin as an attack on themselves. [REDACTED]

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Excerpt from the 19 September 1950 Communique:

The Allied Governments consider that their forces in Germany have in addition to their occupation duties also the important role of acting as security forces for the protection and defense of the free world, including the German Federal Republic and the Western sectors of Berlin. To make this protection more effective the Allied Governments will increase and reinforce their forces in Germany. They will treat any attack against the Federal Republic or Berlin from any quarter as an attack upon themselves. [REDACTED]

Excerpt from the 3 October 1954 Three-Power Joint Declaration:

The security and welfare of Berlin and the maintenance of the position of the Three Powers there are regarded by the Three Powers as essential elements of the peace of the free world in the present international situation. Accordingly they will maintain armed forces within the territory of Berlin as long as their responsibilities require it. They therefore reaffirm that they will treat any attack against Berlin from any quarter as an attack upon their forces and themselves. [REDACTED]

Following the Soviet Commandant's withdrawal from the Allied Kommandatura on 1 July 1948, a Declaration by the Western Commandants of 21 December 1948 announced that the Kommandatura would resume its work, even though its decisions could henceforth be implemented only in the Western sectors of the city. The Allies declared that their legal rights in Berlin derived from conquest and not from agreements setting up the machinery of the Four-Power occupation government. [REDACTED]

Excerpt from the 21 December 1948 Declaration by Three Western Commandants:

The Temporary Constitution of Berlin, which was approved by all four Allies in 1946 requires that legislation and certain other acts of the Magistrate and City Assembly shall receive

Allied approval. The refusal of the Soviet Authorities to attend meetings of the Allied Kommandatura cannot any longer be allowed to obstruct the proper administration of Berlin, according to the law.

The Allied Kommandatura will therefore resume its work forthwith. If the Soviet Authorities, either now or at a future date, decide to abide by the agreements to which the four Powers are committed, the quadripartite administration of Berlin could be resumed. During their absences the three Western Allies will exercise the powers of the Allied Kommandatura although it is realized that owing to Soviet obstruction it will only be possible for them to carry out their decisions in the Western Sectors for the present. [REDACTED]

The quadripartite New York and Paris Agreements of 1949 ended the Berlin blockade. They removed restrictions on transportation between Berlin and the Western zones of Germany and obliged the signatories to ensure the normal functioning of transit traffic in their respective zones. [REDACTED]

Excerpts from the 4 May 1949 New York Four-Power Communique:

1. All the restrictions imposed since March 1, 1948 by the Government of the Union of Soviet Socialist Republics on communications, transportation, and trade between Berlin and the Western zones of Germany and between the Eastern zone and the Western zones will be removed on May 12, 1949.

2. All the restrictions imposed since March 1, 1948 by the Governments of France, the United Kingdom, and the United States, or any one of them, on communication, transportation, and trade between Berlin and the Eastern zone and between the Western and Eastern zones of Germany will also be removed on May 12, 1949. [REDACTED]

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Excerpt from the 20 June 1949 Paris Four-Power Communique:

5. The Governments of France, the Union of Soviet Socialist Republics, the United Kingdom, and the United States agree that the New York Agreement of May 4, 1949 shall be maintained. Moreover, in order to promote further the aims set forth in the preceding paragraphs and in order to improve and supplement this and other arrangements and agreements as regards the movement of persons and goods and communications between the eastern zone and the western zones and between the zones and Berlin, and also in regard to transit, the occupation authorities, each in his own zone, will have an obligation to take the measures necessary to ensure the normal functioning and utilization of rail, water, and road transport for such movement of persons and goods and such communications by post, telephone, and telegraph.

The Bonn and Paris Conventions of 1952 and 1954—often referred to by the West Germans as the *Deutschlandvertrag*—entered into force on 5 May 1955 and placed relations between the Three Powers and the Federal Republic on a new basis. The Allies were henceforth to work with the Federal Republic toward the goal of a reunited Germany. The conventions provided that the Allies' position in Berlin would not be altered until the country was reunified, a process which would simultaneously solve the problem of Berlin.

Excerpts from the 26 May 1952 Convention on Relations Between the Three Powers and the Federal Republic of Germany as amended by the 23 October 1954 Paris Protocol:

Article 2. In view of the international situation, which has so far prevented the reunification of Germany and the conclusion of a peace settlement, the Three Powers retain the rights and the responsibilities, heretofore exercised or held by them, relating to Berlin and to Germany as a whole, including the reunification of Germany and a peace settlement.

Article 6.

- (1.) The Three Powers will consult with the Federal Republic in regard to the exercise of their rights relating to Berlin.*
- (2.) The Federal Republic, on its part, will cooperate with the Three Powers in order to facilitate the discharge of their responsibilities with regard to Berlin.*

Article 7.

- (1.) The Signatory States are agreed that an essential aim of their common policy is a peace settlement for the whole of Germany, freely negotiated between Germany and her former enemies, which should lay the foundation for a lasting peace. They further agree that the final determination of the boundaries of Germany must await such a settlement.*
- (2.) Pending the peace settlement, the Signatory States will cooperate to achieve, by peaceful means, their common aim of a reunified Germany enjoying a liberal-democratic constitution, like that of the Federal Republic, and integrated within the European community.*
- (4.) The Three Powers will consult with the Federal Republic on all matters involving the exercise of their rights relating to Germany as a whole.*

Excerpts from the 26 May 1952 Convention on the Settlement of Matters Arising Out of the War and Occupation as amended by the 23 October 1954 Paris Protocol:

Chapter 12—Civil Aviation:

Article 5.

- (1.) In the exercise of their responsibilities with respect to Berlin, the Three Powers will continue to regulate all air traffic to and from the Berlin air corridors established by the Allied Control Authority. The Federal Republic undertakes to facilitate and assist such traffic in every way on a basis no less favorable than that enjoyed on the entry into force of the present*

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Convention; it undertakes to facilitate and assist unlimited and unimpeded passage through its air space for aircraft of the Three Powers en route to and from Berlin.

Article 6. In the exercise of their responsibilities relating to Germany as a whole, the Three Powers will continue to exercise control with respect to aircraft of the Union of Soviet Socialist Republics utilizing the air space of the Federal Republic. [REDACTED]

The Bolz-Zorin letter describes Moscow's decision to devolve control over the Soviet sector of Berlin to East German authorities. [REDACTED]

Excerpt from the letter from East German Foreign Minister Bolz to Soviet Deputy Foreign Minister Zorin, 20 September 1955:

In connection with the carrying out of protection and control on the lines of communication between the German Federal Republic and Western Berlin, running through the territory of the German Democratic Republic, the German Democratic Republic will ensure the settlement with the appropriate authorities of the German Federal Republic of all questions pertaining to the transit of rail, road and water traffic of the German Federal Republic or Western Berlin, their citizens or residents, and also of foreign states and their citizens, excepting the personnel and freight of the United States, British and French troops in Western Berlin.

Control over the movement between the German Federal Republic and Western Berlin of military personnel and freight of the French, British and United States garrisons stationed in Western Berlin, will for the time being, until a corresponding agreement has been reached, be implemented by the command of the group of Soviet forces in Germany.

The movement of military personnel and freight of the garrisons of the three Western powers in

Western Berlin will be permitted on the basis of the existing four-power agreements:

(a) On the Berlin-Marienborn Autobahn;

(b) The Berlin-Helmstedt railwayline, with the return of empty wagons on the Berlin-Oebisfelde railwayline;

(c) On the air corridors: Berlin-Hamburg, Berlin-Bueckeburg and Berlin-Frankfurt-am-Main. [REDACTED]

The *Quadripartite Agreement* of 3 September 1971 entered into force on 3 June 1972. The QA did not alter the legal status of Berlin, which remains based on the Four Powers' original rights and on wartime and postwar agreements. The QA primarily was intended to regulate the practical matter of access by the West Germans and the Allies to the Western sectors of Berlin and to improve the quality of life in and around the city for its inhabitants. [REDACTED]

Excerpts from the 3 September 1971 Quadripartite Agreement on Berlin:

Part I, 4. The four Governments agree that, irrespective of the differences in legal views, the situation which has developed in the area, and as it is defined in this Agreement as well as in the other agreements referred to in this Agreement, shall not be changed unilaterally.

Part II, A. The Government of the Union of Soviet Socialist Republics declares that transit traffic by road, rail and waterways through the territory of the German Democratic Republic of civilian persons and goods between the Western Sectors of Berlin and the Federal Republic of Germany will be unimpeded; that such traffic will be facilitated so as to take place in the most simple and expeditious manner; and that it will receive preferential treatment.

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Part II, B. The Governments of the French Republic, the United Kingdom and the United States of America declare that the ties between the Western Sectors of Berlin and the Federal Republic of Germany will be maintained and developed, taking into account that these Sectors continue not to be a constituent part of the Federal Republic of Germany and not to be governed by it. [REDACTED]

The three Western Allies submitted a Tripartite Letter to the UN Secretary General on 23 April 1975 to reemphasize that Berlin remained subject to Four-Power decisionmaking, a variety of unilateral Soviet and East German actions notwithstanding. The Allies have since cited the letter on occasions when they believed it was necessary to underline the inviolability of their legal status in the city. [REDACTED]

Excerpts from the 23 April 1975 letter regarding the status of Berlin:

1. The quadripartite status of greater Berlin stems from the original rights and responsibilities of the four Powers. Quadripartite wartime

and postwar agreements and decisions based on these rights and responsibilities stipulated that greater Berlin was to be a special area under the joint authority of the four Powers entirely distinct from the Soviet zone of occupation in Germany.

2. Any change in the status of greater Berlin as reflected in these agreements and decisions would require the agreement of all four Powers. No such agreement altering the status of Berlin or providing for a special status for any of its sectors has ever been concluded. [REDACTED]

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Appendix B

Soviet Legal Views on Germany*

The USSR contends that the creation of the FRG was an abandonment of the Potsdam Agreement principle of a unified Germany and asserts that this destroyed the basis of Four-Power decisionmaking on Germany [and Berlin]. The three Western powers contend that these Soviet allegations have no legal basis and that none of the Four Powers can be deprived of its rights and responsibilities except by agreement with the other three powers. [REDACTED]

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The Soviet view appears to be that Germany ceased to exist in the 1940s, and that the FRG and the GDR have taken its place. The Soviets have nevertheless periodically joined the Western Allies in publicly reaffirming the rights and responsibilities of the Four Powers in Germany. [REDACTED]

FRG and GDR legal views largely parallel those of the three Western Allies and the USSR, respectively. In practice, however, the GDR resents Soviet insistence that East Germany should not unduly interfere in the Western Allies exercise of quadripartite rights, such as the right to move freely within all four sectors in Berlin. The FRG occasionally differs with the three Western Allies on the degree of integration of West Berlin into the FRG, but these questions are regularly resolved at working levels. [REDACTED]

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* Drafted by [REDACTED] Office of European Analysis.

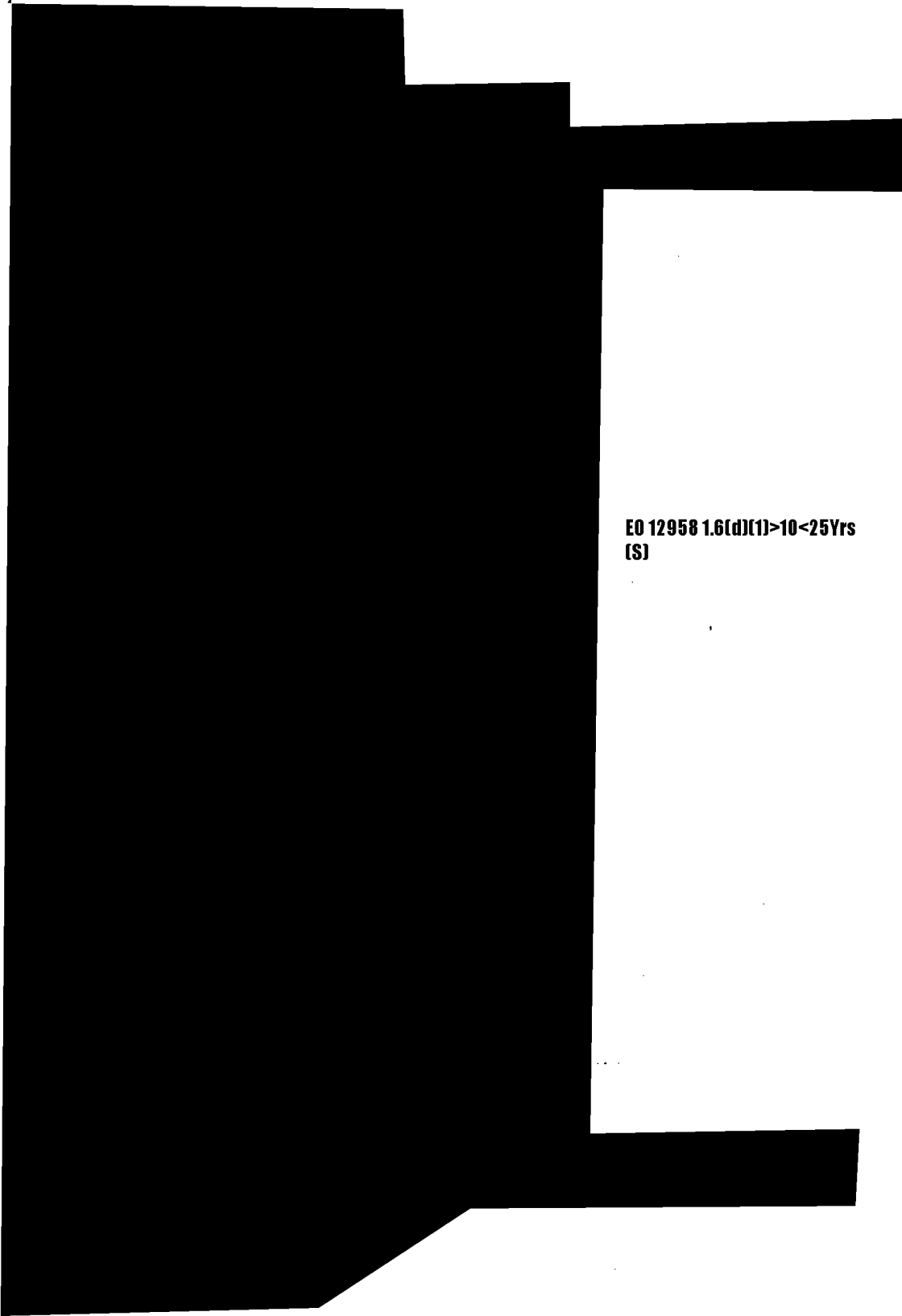
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"The German Question and Soviet Policy"

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